Judgment of the Court (Seventh Chamber) of 25 March 2010 — Commission v Greece

(Case C-169/09)

(Failure of a Member State to fulfil obligations — Ecodesign requirements for energy-using products — Failure to transpose within the prescribed period)

Actions for failure to fulfil obligations — Examination of the merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion (Art. 226 EC) (see para. 11)

Re:

Failure of a Member State to fulfil obligations — Failure to take, within the prescribed period, the provisions necessary to comply with Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council (OJ 2005 L 191, p. 29).

Operative part:

The Court:

1. Declares that, by failing to adopt, within the prescribed period, all the laws, regulations and administrative provisions necessary to comply with Directive

2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council, the Hellenic Republic has failed to fulfil its obligations under that directive;

2. Orders the Hellenic Republic to pay the costs.

Order of the Court (Fifth Chamber) of 26 March 2010 — Eis.de v BBY Vertriebsgesellschaft

(Case C-91/09)

(First subparagraph of Article 104(3) of the Rules of Procedure — Trade marks — Internet — Keyword advertising — Display, on the basis of a keyword identical to a trade mark, of the advertisement of a competitor of the proprietor of that trade mark — Directive 89/104/EEC — Article 5(1)(a))

Approximation of laws — Trade marks — Directive 89/104 — Right of the trade mark proprietor to prevent third parties from using an identical sign for identical goods — Advertising in connection with an internet referencing service — Condition of the proprietor's right (Council Directive 89/104, Art. 5(1)(a)) (see para. 28)